

PRINTER RUSH

(PTO ASSISTANCE)

Application : 09/666/67 Examiner : Healy GAU : 2883
From : CA Location : IDC FMF FDC Date : 4/14/05

Tracking #: 06072552 Week Date: 1/31/05

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449		<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS		<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM		<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW		<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW		<input type="checkbox"/> Other
<input type="checkbox"/> DRW		
<input checked="" type="checkbox"/> OATH	<u>LET (1.150-151)</u>	
<input type="checkbox"/> 312	<u>9/21/00</u>	
<input type="checkbox"/> SPEC		

[RUSH] MESSAGE: Please provide a signed copy of the oath.
Thank You CA

[XRUSH] RESPONSE: corrected
See Attachments
INITIALS: HP

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.

REV 10/04

09/666167



Facsimile Transmittal Sheet

DATE • 4/27/2005 8:30:22 AM CDT

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME • Ms. K. Pinkney
FIRM • USPTO
PHONE • 17033050333 x144
FAX • 17033086642

CLIENT / MATTER •

FROM • Paula M. Theismann

Direct Dial: 312 876 7977 Fax: 312 876 7934

TOTAL NUMBER OF PAGES TRANSMITTED, INCLUDING THIS SHEET: 3

MESSAGE • Applicant - M. Suzuki - USSN 09/666,167 - SNR No. 09792909-0424

Dear Ms. Pickney:

Per your request, attached is executed Declaration on behalf of inventor, Masayuki Suzuki.

If you need any additional information or documents, please let us know.

Thank you.

Paula M. Theismann
Paralegal

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09/666167

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FUNCTIONAL MATERIAL AND FUNCTIONAL DEVICE

Case No, 09792909-0424, the specification of which

(check one) x is attached hereto
was filed on September 21, 2000, as
Application Serial No. 09/666,167
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations. 1.56

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s)

Number

Country

Date

P11-271240

Japan

September 24, 1999

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the application takes in:

(i) opposing an argument of unpatentability relied on by the Office, or

(ii) asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

306.4

89/666167

Prior Foreign Application(s)
Number

Country

Date

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)

Number

Country

Date

And I hereby appoint Joseph A. Mahoney (Reg. No. 38,956), Howard B. Rockman (Reg. No. 22,190), Jordan A. Sigale, (Reg. No. 39,028), Michael A. Molano (Reg. No. 39,777), Michael L. Kiklis (Reg. No. 38,939), Janelle D. Strode (Reg. No. 34,738), Kevin W. Guynn (Reg. No. 29,972), David R. Metzger (Reg. No. 32,919), Jennifer Hammond (Reg. No. 41,814), Lana Knedlik (Reg. No. 42,748), John F. Griffith (Reg. No. 44,137), Marina Saito (Reg. No. 42,121), Alison P. Schwartz (Reg. No. 43,863), Christopher P. Rauch (Reg. No. 45,034), Francisco Rubio-Campos (Reg. No. 45,358), Brian J. Gill (Reg. No. 46,727) and Shashank S. Upadbye, all members of the firm of Sonnenschein, Nath & Rosenthal

Telephone 312/876-0200 Ext. 2578

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

SONNENSCHN NATH & ROSENTHAL

80th Floor - Sears Tower

233 S. Wacker Drive, Chicago, IL 60606

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor MASAYUKI SUZUKI

Inventor's signature

Masayuki Suzuki

Date Jan. 29, 2001

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Citizenship

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Full name of third inventor

Inventor's signature

Date

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